



MINUTES
of the
THREE-HUNDRED-FOURTEENTH MEETING
of the
LEGISLATIVE COUNCIL
January 14, 2008
Santa Fe

The three-hundred-fourteenth meeting of the Legislative Council was called to order by Speaker Ben Lujan, co-chair, on Monday, January 14, 2008, at 10:25 a.m. in Room 307 of the State Capitol.

Present

Representative Ben Lujan, Co-Chair
Senator Pete Campos
Representative Daniel R. Foley
Senator Stuart Ingle
Senator Timothy Z. Jennings
Representative Rhonda S. King
Representative W. Ken Martinez
Senator Leonard Lee Rawson
Senator Michael S. Sanchez
Representative Sheryl Williams Stapleton
Representative Thomas C. Taylor
Representative Jeannette O. Wallace

Special Advisory Members Present

Representative Janice E. Arnold-Jones
Representative Donald E. Bratton
Senator Dianna J. Duran
Representative James Roger Madalena
Senator Cisco McSorley
Senator Steven P. Neville
Senator H. Diane Snyder
Representative Peter Wirth

Staff

Paula Tackett, Director, Legislative Council Service (LCS)
John Yaeger, Assistant Director for Legislative Affairs, LCS
Kathy Pacheco-Dofflemeyer, Assistant Director for Administration, LCS
Raúl Burciaga, Assistant Director for Drafting Services, LCS
Jeret Fleetwood, Locator Coordinator, LCS

Monday, January 14,

Absent

Senator Carlos R. Cisneros
Senator Kent L. Cravens
Representative Rick Miera

Special Advisory Members Absent

Senator Mary Jane M. Garcia
Representative Antonio Lujan
Representative Al Park
Senator Lidio G. Rainaldi
Senator John Arthur Smith

On a motion made, seconded and unanimously approved, the minutes of the December 17, 2007 meeting were approved as submitted.

Capitol Security

Lieutenant Rick Anglada of the New Mexico State Police provided the council with an update on arrangements being made for capitol security for the legislative session. He explained that capitol security would be handled by a detail of 61 state police officers working in conjunction with the usual capitol security employees. Lieutenant Anglada noted that the state police detail would consist of 53 male and eight female officers, emphasizing that fair representation from the state police districts throughout the state was sought when the detail was put together. He also indicated that the building would be swept for explosives and suspicious packages later that evening.

Representative Foley thanked Lieutenant Anglada for his work and expressed his condolences for the state police officer who had recently been killed. Lieutenant Anglada noted that the slain officer had been a part of the capitol security detail during the 2007 session.

Speaker Lujan also thanked Lieutenant Anglada for his work and that of the other officers assigned to the capitol security detail in maintaining the safety of the members and staff of the legislature as well as the public who visit the capitol while the legislature is in session.

In response to questions from Senator Jennings, Lieutenant Anglada indicated that the detail of 61 officers is broken into groups of about 15 officers, who work in shifts for two weeks at a time.

Senator Jennings pointed out that the governor's security detail works primarily to protect the governor, leaving the lieutenant governor with no state police security. He suggested that the legislature provide one of the officers assigned to the capitol security detail to the lieutenant governor so that she would not have to contract with a private firm for her security.

Senator Rawson indicated that he had been unable to get into his office the night before and suggested that the procedures governing after-hours access to the capitol for legislators be revisited.

Senator Ben D. Altamirano

The speaker asked that everyone observe a moment of silence for Senator Ben D. Altamirano, president pro tempore and co-chair of the council, who passed away recently.

Harassment Policy Review

Mr. Yaeger explained to the council that the harassment policy for legislative employees had been updated, and he reviewed the policy for the council. He explained that the policy covered all legislative employees and that it served the legislature, as an employer, by protecting its employees.

Several members of the council questioned whether the policy applied to intentionally harassing behavior or merely the perception of it and suggested that the policy be revisited at a future meeting. Questions were also raised about the meaning of the term "spousal affiliation" in the policy.

Joint and Cosponsorship of Legislation

Mr. Yaeger stated that various members of the council and the chief clerks had discussed possible changes to the procedures for cosponsoring legislation, and he provided the council with a concurrent resolution proposing a rule change that would change the established procedures for filing cosponsorship forms. He explained that the rule change would enable members to cosponsor legislation in the other chamber by filing a form with the leadership in their own house, rather than going to the chief clerk's office to do so. Mr. Yaeger also noted that the deadline for cosponsorship had been changed in the measure to two days after the bill introduction deadline, rather than before third reading for the bill in the originating house. He explained that it would likely be easier to manage cosponsorship forms sometime near the bill introduction deadline, which occurs at the midpoint of a session, rather than during the flurry of activity that accompanies the last days of a session, which is when many bills reach the floor for third reading.

The council had a lengthy discussion about the proposed rule change and pre-filing of legislation. Ms. Tackett explained that pre-filing was a separate issue and that the proposed rule change being discussed dealt with duplication of legislation. She noted that in response to rule changes that had already been adopted, a method of allowing members to sign onto bills that had been introduced in the other chamber had to be developed, and the proposed rule change came about during development of such a system.

Speaker Lujan reminded the members that the rule change prohibiting duplicate bills from interim committees and agencies had already been adopted by the legislature and that this rule change merely sought to improve upon the process that allows members from both chambers to sign onto bills.

In response to a question from several members about the possibility of members being able to sign onto legislation against the original sponsor's wishes, Ms. Tackett indicated that, while such a scenario had been contemplated and would be possible under both the proposed rule change and the current rule, the proposed rule change was the compromise that had been settled upon.

Two recently appointed members, Senator Howie C. Morales and Representative Rodolpho "Rudy" S. Martinez, were introduced to the council.

Staff Reports

Mr. Yaeger informed the council that the responses to the request for information related to webcasting legislative sessions had been analyzed and staff had determined that the project was both technically and financially feasible. Mr. Yaeger suggested that, if the council

approved, the LCS would proceed with a request for proposals for the necessary equipment and another request for proposals to host the webcast.

In response to a question from Speaker Lujan, Mr. Yaeger indicated that the original capital outlay money had been requested by Senator Mark Boitano. No motion to proceed was made.

Ms. Tackett and Ms. Pacheco-Dofflemeyer provided the council with an overview of the requested budget increases sought in the feed bill. They explained that funding increases allowed for one additional LCS accounting employee and one additional researcher, as well as an additional \$678,000 in the Legislative Information Systems budget, \$250,000 for participation in the U.S. Census Bureau's Block Boundary Project and \$400,000 for an XML tagging project with the Compilation Commission.

In response to a question from Senator Rawson, Ms. Tackett explained that the computer replacement cycle for the house and senate chief clerks dictates the increase in this year's budget.

In response to a question from Representative Bratton regarding insurance coverage for personal items in members' offices, Ms. Pacheco-Dofflemeyer explained that, while art can be covered, personal laptop computers and similar items may not be covered, although they may be covered by a member's homeowner's insurance policy.

On a motion made, seconded and unanimously approved, the council approved the increased budget request in the feed bill.

Ms. Tackett explained that the Facilities Review Subcommittee would like to go back and review the space needs recommendations made to the council at the previous meeting. She indicated that the subcommittee would like to study the space needs issues and options for addressing them more closely over the course of the next interim. She went on to explain that \$4.5 million had already been appropriated for expansion of the capitol, \$3.5 million of which was set aside for actual construction, and that those funds would likely be available until 2010 or 2011.

In response to a question from the speaker, Ms. Tackett explained that moving forward with the proposed expansion of the Capitol North would address the legislature's short-term space needs, but there would still be long-term ones to be resolved.

Senator Ingle indicated that the subcommittee had come to the conclusion that it might have moved too quickly on a recommendation to the council and would prefer to study the issue a bit longer.

There being no further business, the council adjourned at 11:45 p.m.